

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Abu B. Kargbo

v.

Civil No. 11-cv-130-SM

James O'Mara et al.

O R D E R

Before the court is a motion to seal at Level II the last known address for former Hillsborough County Department of Corrections ("HCDC") Officer Richard Meurin (doc. no. 57).

This court, on December 22, 2011, issued a report and recommendation (doc. no. 15) and an order (doc. no. 16), which directed service of two types of claims upon Officer Meurin: an excessive force claim and an equal protection claim, both relating to an incident on June 6, 2010. On June 4, 2012 (doc. no. 46), the court dismissed without prejudice all claims asserted against Meurin, because of plaintiff's failure to provide the court with updated contact information sufficient to serve process upon Meurin.

Plaintiff has since renewed his efforts to obtain Meurin's address. Defendants, through counsel, are unwilling to provide the address to plaintiff, and have filed their motion to seal the address (doc. no. 57), asserting that disclosure of Meurin's

personal information could present safety and security issues. Upon the record before the court at this time, the court finds that plaintiff intends to maintain his claims against Meurin, and this court reinstates the excessive force and equal protection claims against that defendant, which were previously ordered to be served. See Order (doc. no. 16). The court further grants the motion to seal (doc. no. 57), as follows.

Defendants must file conventionally, within five days of the date of this order, a document containing the last known address of Richard Meurin, for use in serving process in this action pursuant to Fed. R. Civ. P. 4(c)(3) and 4(e). The document at issue shall be sealed at Level II, pursuant to LR 83.11, until further order of this court.

The clerk's office shall use the address to prepare and issue a summons for Meurin. The summons, along with any return of service executed by Meurin, shall be sealed at Level II, pending further order of this court, and an electronic copy of each document shall be docketed, with Meurin's address redacted.

The clerk's office shall forward the summons to the United States Marshal for the District of New Hampshire ("U.S. Marshal's Office"). The U.S. Marshal's Office shall use and disclose the summons only to the extent necessary to serve process on Meurin in this action, pursuant to Rule 4(e) of the

Federal Rules of Civil Procedure. Along with the summons, the clerk's office shall provide to the U.S. Marshal's Office:

- the complaint and the addenda thereto (doc. nos. 1, 8, 9, 12, 20, and 21);
- the report and recommendation issued on December 22, 2011 (doc. no. 15);
- the order issued on December 22, 2011 (doc. no. 16);
- the order issued on January 23, 2012 (doc. no. 27);
- the report and recommendation issued on January 31, 2012 (doc. no. 28);
- the order issued on January 31, 2012 (doc. no. 29);
- the order issued on February 28, 2012 (doc. no. 34);
- the order issued on April 13, 2012 (doc. no. 44); and
- this order.

Upon receipt of that documentation, the U.S. Marshal's Office shall serve those materials upon Meurin, along with the summons. See Fed. R. Civ. P. 4(c)(3) and 4(e).

Meurin is instructed to answer or otherwise plead within twenty-one days of service.¹ See Fed. R. Civ. P. 12(a)(1)(A).

¹The court notes that serving Meurin at this stage of the case may present the parties with difficulties relating to the pretrial deadlines and discovery limitations set forth in the April 13, 2012, order (doc. no. 44). The court will modify those deadlines and limitations, as necessary, upon motion of any party showing good cause.

Conclusion

The motion to seal Richard Meurin's address at Level II (doc. no. 57) is GRANTED, and service of process shall be effected upon Meurin, as specified above.

SO ORDERED.

A handwritten signature in black ink, appearing to be 'Landya McCafferty', written over a horizontal line.

Landya McCafferty
United States Magistrate Judge

October 11, 2012

cc: Abu B. Kargbo, pro se
John Curran, Esq.

LBM:nmd